United Nations A/C.3/55/L.51/Rev.1

General Assembly

Distr.: Limited
8 November 2000

Original: English

Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and special representatives

Argentina, Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments and to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child,[3] the African Charter on Human and Peoples' Rights[4] and the Geneva Conventions of 12 August 1949,[5]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2000/27 of 18 April 2000,[6]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.
[5] Ibid., vol. 75, Nos. 970-973.
[6] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

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Aware of the urgent need that the Government of Sudan implement effective additional measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflicts,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment to encourage respect for human rights in the Sudan,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudanese People's Liberation Army/Movement,

1. *Welcomes*:

(a) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;[7]

(b) The visit by the Special Rapporteur to the Sudan in February-March 2000 at the invitation of the Government of the Sudan and the very good cooperation extended by the Government in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur;

(c) The signing of the Agreement of 29 March 2000 between the Sudanese Government and the Office of the High Commissioner for Human Rights;

(d) The activities of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan, the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(e) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(f) Recent additional efforts to improve freedom of expression, association, the press and assembly, in particular the adoption of the Political Organization Act, 2000, and the announcement relating to the creation of a High Commission to review the Law on Public Order;

(g) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court which has been in operation since April 1999;

(h) The efforts to implement the right to education;

(i) The invitation extended by the Government of the Sudan to the Special Rapporteur on religious intolerance;

(j) Leniency measures by the Sudanese Government which led to the release of a wide number of imprisoned women;

(k) The release of political prisoners and the measures taken to allow the return of exiled opposition members;

(l) The recent sheltering given by the Sudan to new groups of refugees;

[7] A/55/374.

(m) The commitments undertaken by the Sudanese People's Liberation Army/Movement during the visit to Rumbek, southern Sudan, of Carol Bellamy, Executive Director of the United Nations Children's Fund, not to recruit into its armed forces children below the age of 18, and to demobilize all child soldiers still remaining in the military and hand them over for reintegration to the competent civil authorities;

(n) The undertakings by the Government of Sudan at the International Conference on War-Affected Children, held in Winnipeg, Canada, from 10 to 17 September 2000;

(o) The repeated statements by the Government of the Sudan in favour of a global, lasting and effectively monitored ceasefire in southern Sudan;

2. *Expresses its deep concern*:

(a) At the impact of the current armed conflict, worsened by the breaking down of the ceasefire in June 2000 and by the upsurge of armed confrontations, on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and continuing serious violations of human rights and international humanitarian law by all parties, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from conflict between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army/Movement;

(ii) The occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) The abduction of women and children to be subjected to forced labour or similar conditions;

(iv) The indiscriminate aerial bombardments seriously and recurrently affecting civilian populations and installations, particularly bombings of schools and hospitals, including during "the days of tranquillity" which had been agreed for the purpose of ensuring a peaceful polio vaccination campaign, as well as the use of civilian premises for military purposes;

(v) The use of weapons, including indiscriminate artillery shelling and landmines, against the civilian population;

(vi) The forced displacements of populations;

(vii) The conditions imposed by the Sudanese People's Liberation Army/Movement on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with potentially grave consequences for the already endangered situation of thousands of people living in areas under its control;

(viii) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of daily harassment, indiscriminate aerial bombings and the reopening of hostilities;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Precarious conditions of detention, frequent use of torture, arbitrary detentions, interrogations, and violations of human rights by the security organs;

(ii) Acts of intimidation and harassment against the civilian population;

(iii) Restrictions on freedom of religion, pending the promulgation by the Government of Sudan of a new law on religious liberties and activities after an open and transparent process of consultation of high representatives of all religions, and remaining obstacles to the freedom of expression, association and peaceful assembly;

(iv) Information that not all means of avoiding the execution of severe, inhuman punishments have been fully utilized;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To work immediately in order to put in place a global, lasting and effectively monitored ceasefire as a first necessary step to a negotiated settlement to the conflict;

(b) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(c) To stop immediately the use of weapons, including indiscriminate artillery shelling and landmines, against the civilian population, which runs counter to principles of international humanitarian law;

(d) To stop attacks on sites that usually have a significant presence of children;

(e) To stop immediately the use of civilian premises for military purposes, particularly sites that usually have a significant presence of children;

(f) To grant full, safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means possible the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr el-Ghazal, the Nuba Mountains, the Western Upper Nile and the Blue Nile State, and to continue to cooperate in this regard with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan in the delivery of such assistance. In particular, the Sudanese People's Liberation Army is urged to resume negotiations as soon as possible with a view to the withdrawal of the conditions imposed on the work of international agencies and humanitarian organizations;

(g) In particular, the Sudanese People's Liberation Army is urged not to misappropriate humanitarian assistance;

(h) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development, and, in this context, urges the Sudanese People's Liberation Army/Movement to commit itself to a permanent ceasefire;

(i) Not to use or recruit children under the age of eighteen as soldiers. The Sudanese People's Liberation Army is urged not to use or recruit children under the age of eighteen as soldiers, and to refrain from the practice of forced conscription;

(j) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines, the abduction and exploitation of children and the recruitment of children by the Sudanese People's Liberation Army/Movement as soldiers, to advance the demobilization and reintegration of child soldiers, and to ensure access to displaced and unaccompanied minors;

(k) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in the custody of the Sudanese People's Liberation Army/Movement, and urges the Sudanese People's Liberation Army/Movement to return the bodies to their families;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under the international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To strengthen its efforts to ensure the rule of law by bringing legislation into line with the Constitution and the effective practice of law enforcement;

(c) To continue its efforts to bring its national legislation into conformity with the applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to prevent and to end all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights violations, including acts of torture, brought to its attention and to prosecute those responsible for these violations to put an end to the climate of impunity;

(e) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(f) To make sure that all means of avoiding the execution of severe, inhuman punishments are fully utilized;

(g) To reinforce the action undertaken to prevent and stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures, in particular through the Committee for the Eradication of Abduction of Women and Children with whom all concerned have the responsibility and the duty to cooperate;

[8] Resolution 39/46, annex.

(h) To stop definitively the indiscriminate aerial bombardment of civilian and humanitarian targets, which runs counter to fundamental principles of human rights and humanitarian law;

(i) To make further efforts to effectively address the problem of internally displaced persons, whose number has increased, including ensuring their access to effective protection and assistance;

(j) To continue to implement its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(k) To continue efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers;

(l) To raise the age of the criminal responsibility for children in order to take in account the observations of the Committee on the rights of the child;

(m) To implement the Standard Minimum Rules for the Treatment of Prisoners[9] and to give special consideration to imprisoned women and juveniles;

5. *Encourages* the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights on the basis of the agreement of 29 March 2000 between the Sudanese Government and the High Commissioner, with a view to establishing a permanent representation of the High Commissioner;

6. *Encourages* the Office of the High Commissioner to continue to take into consideration requests for assistance by the Government of the Sudan, inter alia, with a view to establishing a permanent representation of the High Commissioner as a matter of priority;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

8. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-sixth session under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

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[9] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.